

Remarks

The Specification and claims 10, 13-15, 17, 18 and 20 have been amended and new claim 21 has been added as shown above. Antecedent basis for the amendments and new claim may be found in the written description at, e.g., page 8, lines 21-23, page 9, lines 23-26, page 16, line 26 through page 17, line 5, and page 20, line 15 through page 24, line 3 (see especially page 21, lines 1-3, 13-24 and 28-29, page 22, lines 20-27, page 23, lines 4-8 and 25-29 and page 24, lines 1-3); in great-grandparent U.S. Application Serial No. 08/131,328, filed October 4, 1993, now issued as U.S. Patent No. 5,440,446 (see especially col. 16, line 53 through col. 18, line 58 in the issued patent); and in U.S. Patent Application Serial No. 08/228,579 filed April 15, 1994 which is incorporated by reference in paragraph 1 of the present application (see especially page 4, line 24 through page 8, line 4 and page 10, lines 3-25).

Following entry of this amendment, claims 1-21 will be pending in this application with claims 1-9 having been withdrawn from consideration.

Reconsideration of the rejections is requested in view of the following remarks.

Rejection of Claims 10-20 Under 35 U.S.C. §112, Second Paragraph

Claims 10-20 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite on grounds, *inter alia*, that:

"Use of relative terms in the claims that lack clear metes and bounds in the claim or in the specification or in cited relevant prior art, is vague and indefinite. As previously rejected (section 6 of the June 2005 action), in line 4 of claim 10 "smoothing" in "smoothing layer" remains considered a relative description of an effect, since there is no necessary roughness there would not necessarily be any surface on the substrate that necessarily needs any smoothing, so the scope of this effect and what is included by "smoothing layer" remains uncertain. Sections of the specification cited by applicant had already been studied and found insufficient, and it is noted that mere recitation of the smoothing layer being acrylic does not necessitate any inherent degree of smoothness or roughness, however it is conceded that for claim 12, which also requires the particular type of flash evaporation deposition be

employed, which might have been expected to enhance smoothing effects for the acrylate monomer that some inherent meaning or range for smoothing could be argued. Also the possibility of defining this limitation via the addition of functional language to refine the meaning was discussed in the interview.” (see the Final Rejection at page 2).

Reconsideration is requested. Claim 10 has been amended to recite “applying an acrylate smoothing layer to the thermoplastic substrate to reduce the substrate surface roughness”. This further explains the term “smoothing” in claim 10.

The assertion that “since there is no necessary roughness there would not necessarily be any surface on the substrate that necessarily needs any smoothing” is incorrect. Applicants Shaw and Langlois have pointed out (in a paper presented after the above-mentioned Application Serial Nos. 08/131,328 and 08/228,579 were filed) that “even in the most smooth film, some surface roughness exists”, see page 245 of D. G. Shaw and M. G. Langlois, Use of Vapor Deposited Acrylate Coatings to Improve the barrier Properties of Metallized Film, pp. 240-247, Society of Vacuum Coaters 37th Annual Technical Conference Proceedings (May 8-13, 1994). A copy of this paper has been enclosed with the accompanying Supplemental Information Disclosure Statement.

The Final Rejection also asserted that:

“In claim 12 as amended, “protective” describing “protective layer” remains also a relative term, as there are a great many things which may be generically protected against, such that the context in the claim is not sufficiently defined an applicant’s explanation on page 10 of the remarks is not considered sufficient to remove this uncertain scope.” (see the Final Rejection at pages 2-3).

Reconsideration is requested. Claim 10 has been amended to recite “applying a protective layer to the oxygen barrier material to reduce the barrier sheet oxygen permeability”. This further explains the term “protective” in claim 10.

The Final Rejection also asserted that:

“In claim 13, it is unclear as written, how this sequence of further layer depositions combines with the now required protective layer in the independent claim, which requires the protective layer to be applied to the oxygen barrier material, which

in claim 13 is not the top layer and has not been related to any of the new layers deposited therein.” (see the Final Rejection at page 3).

Reconsideration is requested. The amendment to Claim 13 shown above should moot this rejection. Applicants add that the recited protective layer in claim 10 does not have to be the top layer in a barrier sheet.

“Question: is applicant intending to exclude in claim 10 silicon dioxide, which is disclosed on page 22 of the specification as a barrier layer material from use in this claim? In general silicon is not considered to be a metal, so unless the specification actually defines silicon as a metal or silicon dioxide as a metal oxide, it is generally not considered to be a metal oxide, however given that there is no generic disclosure in the specification of metal oxides, only disclosures of metal barrier layers, or oxide barrier layers, or specific examples of silicon dioxide or alumina, the intent provided by this amendment is uncertain.” (see the Final Rejection at page 3).

Reconsideration is requested. Applicants have replaced the term “metal oxide” with the term “transparent oxide” and thus the question posed in the Final Rejection should be moot.

Applicants accordingly request withdrawal of the 35 U.S.C. §112, second paragraph rejection of claims 10-20.

Rejection of Claims 10-20 Under 35 U.S.C. §112, First Paragraph

In numbered paragraph 3 of the Final Rejection, claims 10-20 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement on grounds, *inter alia*, that:

“The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

“ While the claims have been narrowed such that smoothing layer is now required to be an acrylate layer, the new matter concerns of section 9 of the June 2005 action remain relevant in that applicant's specification does not provide support for all acrylate layers deposited by any means being used to affect smoothing of

unspecified amounts or degree. For example as claimed means of depositing acrylate such as curtain coating or sheet lamination would be included by the claim language but are not supported by the specification, thus while improved it does not appear that all new matter has been eliminated.” (see the Final Rejection at page 3).

Reconsideration is requested. Applicants describe at, e.g., page 18, line 20 through page 19, line 17 several coating techniques and materials that may be used to apply the recited smoothing layer. Additional techniques are described in the above-mentioned Application Serial No. 08/228,579 (see e.g., page 7, lines 24-29 and page 9, lines 21-36) which as noted on page 1 of the present application was incorporated by reference.

The Final Rejection also asserted that:

“While oxide barrier layers or metal barrier layers (page 21), or silica or alumina as barrier layers (page 22) are supported, it is unclear that applicants have enablement in their specification to claim all metal oxide barrier layers as has been newly introduced into claim 10, as well as the above question of whether it is excluding silica.” (see the Final Rejection at page 4).

Reconsideration is requested. Claim 10 has been amended to recite “transparent oxide” oxygen barrier material and thus this rejection should be moot. Note also that applicants say at page 22, lines 20-22 (emphasis added) that:

*“A preferred sheet of material with low oxygen permeability has a layer of polymerized acrylate, a layer of barrier material **such as** SiO₂, Al₂O₃, or metal and another layer of polymerized acrylate on a sheet plastic substrate.”*

Applicants’ quoted statement will clearly indicate to a person having ordinary skill in the art that usable barrier materials are not limited to the materials listed at page 22, line 21. This is further reinforced by applicants’ statement at page 24, lines 1-3 that:

“Many modifications and variations in the coating of thermoplastic sheets for low oxygen permeability will be apparent to those skilled in the art. For example, the sequence of coating operations and the coated substrate may be varied appreciably.”

See also the above-mentioned Application Serial No. 08/228,579 (at e.g., page 10, lines 3-25 and page 12, lines 19-25).

The Final Rejection also asserted that:

“While there is generic (undefined) disclosure of “transparent barrier film”, the only disclosure of sputtering or plasma enhanced CVD are specific to the taught Si oxide or Al oxide, with the sputtering being specific to sputtering of aluminum or silicon in an oxygen plasma, hence these deposition processes claimed for the present breath of “transparent barrier film” include New Matter also.” (see the Final Rejection at page 4).

Reconsideration is requested. Applicants assume that these comments were directed towards claim 17 (which says that “the oxygen barrier material is applied to the smoothing layer by sputtering”) and claim 18 (which says that “the oxygen barrier material is applied to the smoothing layer by plasma enhanced chemical vapor deposition”). These claims are fully supported and do not contain new matter. Moreover, when applicants state for example at page 21, lines 16-21 (emphasis added) that:

*“The high temperature resistance of the acrylate layer permits the notably higher temperature deposition of silicon oxide or aluminum oxide on the thermoplastic substrate. Typical techniques for depositing these materials **may include** sputtering aluminum or silicon in an oxygen plasma atmosphere for depositing the oxide, or plasma enhanced chemical vapor deposition.”*

applicants are not saying that no other deposition techniques and no other transparent oxides may be used. See also applicants’ above-quoted statements at page 22, lines 20-22 and page 24, lines 1-3.

The Final Rejection also asserted that:

“In claim 10, the use of a generic “protective layer” on the transparent barrier film, also is inclusive of New Matter, since it is broader than the scope of the only disclosed layer (acrylate) that was taught as deposited on the oxygen barrier material, as discussed previously.” (see the Final Rejection at page 4).

Reconsideration is requested. Claim 10 does not contain new matter. When applicants state for example at page 22, lines 20-24 (emphasis added) that:

*“A **preferred** sheet of material with low oxygen permeability has a layer of polymerized acrylate, a layer of barrier material such as SiO₂, Al₂O₃, or metal and another layer of polymerized acrylate on a sheet plastic substrate. The layers of*

acrylate reduce permeability dramatically and **the layer overlying the barrier material protects the barrier material from mechanical damage** and corrosion, and **also provides a surface suitable for printing.**"

a person having ordinary skill in the art will understand that usable protective materials are not limited to acrylates, and that in addition to providing protection from mechanical damage acrylates were said to be a preferred protective layer material because they also provide a surface suitable for printing. In the two **immediately preceding** paragraphs at page 22, lines 4-19, applicants discuss other protective materials and their role in protecting a metallized film from mechanical damage as it passes through applicants' apparatus. A person having ordinary skill in the art will recognize from applicants' disclosure that such other materials will also provide protection to a transparent oxide layer, especially in view of applicants' statement at page 24, lines 1-3 that:

"Many modifications and variations in the coating of thermoplastic sheets for low oxygen permeability will be apparent to those skilled in the art. For example, the sequence of coating operations and the coated substrate may be varied appreciably."

Applicants accordingly request withdrawal of the 35 U.S.C. §112, first paragraph rejection of claims 10-20 set forth in numbered paragraph 3 of the Final Rejection.

Objection Under 35 U.S.C. §132(a)

The amendment filed 10/3/2005 was objected to under 35 U.S.C. §132(a) on grounds that:

"35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: pages 2 and 22 were disclosures that were previously solely directed to metal layers were metallization, have been amended to either be generic disclosure of a film or to include an oxide layer as an alternative to a metal layer or for reasons of previously cited sections of the specification the examiner is not convinced that this is not broadening of the scope which would be New Matter.

“Applicant is required to cancel the new matter in the reply to this Office Action or clearly show why the original specification clearly is inclusive of this amended scope.” (see the Final Rejection at page 5).

Reconsideration is requested. Applicants do not agree that the amendments at pages 2 and 22 inserted new matter but in the interest of advancing prosecution have reinserted most of the original language as shown above. This objection should now be moot and applicants request that it be withdrawn.

Rejection of claims 10-20 Under 35 U.S.C. §112, First Paragraph

In numbered paragraph 5 of the Final Rejection, claims 10-20 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement on grounds that:

“The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most clearly connected, to make and/or use the invention.

“As discussed above, “transparent barrier film”, “smoothing layer”, “protective layer”, sputtering and PECVD, lack enablement for their present scope in the claims.” (see the Final Rejection at page 5).

Reconsideration is requested. In their Amendment filed October 3, 2005, applicants noted that when making such a rejection, the Examiner “must provide a reasonable explanation as to why the scope of protection provided by a claim is not adequately enabled by the disclosure”, see MPEP §2164.04. The requested showing still has not been provided. Also, claims 10-20 do not contain new matter for the reasons set out above in connection with the 35 U.S.C. §112, first paragraph rejection set forth in numbered paragraph 3 of the Final Rejection.

Applicants accordingly request withdrawal of the 35 U.S.C. §112, first paragraph rejection of claims 10-20 set forth in numbered paragraph 3 of the Final Rejection.

Rejection of Claims 10-12, 14-16 and 19 for Double Patenting

Claims 10-12, 14-16 and 19 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-11 and

13 of U.S. Patent No. 5,725,909 (Shaw et al. '909). The accompanying Terminal Disclaimer should overcome this rejection and applicants request that it be withdrawn.

Rejection of Claims 10-11, (12) and 13-19 Under 35 U.S.C. 102(e)

Claims 10-11, (12) and 13-19 were rejected under 35 USC §102(e) as being clearly anticipated by U.S. Patent No. 6,497,598 B2 (Affinito), on the grounds set forth in section 14 of the June 2005 action and on the further grounds that:

"It remains noted that while the patent providing Affinito's effective filing date is December 16, 1998, is after applicant's parents filing date, the New Matter which has not yet been completely removed and is discussed above, was in the claims filed November 26, 2003, so prevents parents filing dates from being applicable, hence November 26, 2003 may be considered to be the effective date for the claims as presently written. Claim 12, might arguably be considered supported in the parent and in the grand parent (col. 6, lines 56-62 and col. 17, lines 28-59 in PN5,440,446), because a smoothing effect for the particular vapor deposited cross-linked acrylate monomers coating are discussed in same circumstances, but they are not clearly associated with the claimed metal oxide of the transparent barrier film, so claim 12 is listed above in parenthesis." (see the Final Rejection at pages 6-7).

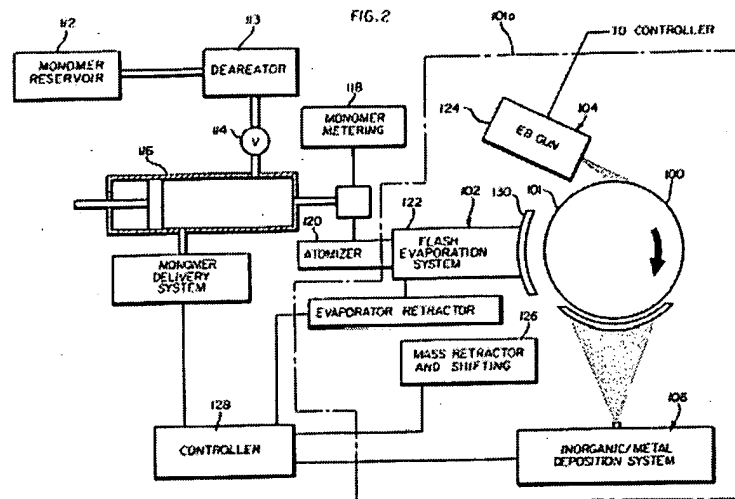
Reconsideration is requested. Claims 10-19 do not contain new matter for the reasons discussed above. Also, these claims recite a "transparent oxide oxygen barrier material". Transparent oxide oxygen barrier materials are shown and supported in applicants' great-grandparent U.S. Application Serial No. 08/131,328 (see e.g., col. 17, line 28 through col. 18, line 58 of U.S. Patent No. 5,440,446). As also pointed out previously, the October 31, 1996 filing date of applicants' parent Application Serial No. 08/741,609 precedes Affinito's December 16, 1998 parent application filing date. Affinito is not available as a reference. Applicants thus request withdrawal of the 35 U.S.C. §102(e) rejection of claims 10-11, 12 and 13-19 as being anticipated by Affinito.

Rejection of claim 10-19 under 35 U.S.C. §103(a)

Claims 10-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,842,893 (Yializis et al. '893) or U.S. Patent No. 5,032,461 (Shaw et al. '461) in view of European Patent Application No. EP 0,475,441 A2 (Komiya EP), on the grounds set forth in section 16 of the June 2005 Office Action, and on the further grounds that:

“Applicant’s arguments filed 10/3/2005 discussed above have been fully considered but they are not persuasive.” (see the Final Rejection at page 7).

Reconsideration is requested. The June 2005 Office Action correctly acknowledges that the primary references (Yializis et al. '893 and Shaw et al. '461) do not disclose articles with a transparent oxygen barrier film. Yializis et al. '893 and Shaw et al. '461 also do not disclose transparent oxide layers. Contrary to the assertion in the June 2005 Office Action, Yializis et al. '893 does not disclose application of an "inorganic or metal layer ... followed by another vapor deposited acrylate monomer layer, which is cross-linked". Yializis et al. '893 describes an "optional metal/inorganic material deposit system **34**" (see e.g., col. 4, lines 56-60) and a similar system **106** (see e.g., col. 7, lines 46-53, and **Fig. 2**, reproduced below):



When describing operation of the systems **34** and **106**, Yializis et al. '893 never says that an inorganic or metal layer is deposited and followed by a vapor deposited acrylate monomer layer. Yializis et al. '893 does say that the system **106** may be **eliminated** or that **alternatively** it could be **replaced** "by a second liquid monomer delivery, metering and deposit system ... to deposit a second layer of the same or different monomer mixture on the

substrate” (see e.g., col. 7, line 62 through col. 8, line 2). Yializis et al. ‘893 thus may apply a monomer layer, or a monomer layer and an “inorganic/metal” layer, or two (same or different) monomer layers. However, Yializis et al. ‘893 nowhere discloses sequential deposition of a monomer layer, an inorganic layer, and a monomer layer. No such sequential deposition would be performed when operating Yializis et al. ‘893’s device in accordance with Yializis et al. ‘893’s disclosure.

Applicants pointed out in their October, 2005 Amendment why a person having ordinary skill in the art would not look to Komiya EP to modify Yializis et al. ‘893 or Shaw et al. ‘461 and would not combine Yializis et al. ‘893 and Shaw et al. ‘461 with Komiya EP as proposed in the June 2005 Office Action (because interposing Komiya EP’s heat buffer layer between a cooled substrate and flash-evaporated acrylate vapor would discourage or prevent condensation from occurring and would be counterproductive in the Yializis et al. ‘893 or Shaw et al. ‘461 processes). Other than saying that applicants’ arguments “have been fully considered but they are not persuasive”, the Final Rejection has not addressed applicants’ arguments and has not provided any countervailing arguments. If a “proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification”, see MPEP §2143.01. The Final Rejection has not provided a reasoned argument and supporting references to overcome or even address applicants’ arguments concerning Komiya EP and the proposed combination of references.

Komiya EP employs a heat barrier layer so that its film can survive a subsequent thermoplastic extrusion step. Applicants do not require such a step, and thus for at least this further reason there would be no proper basis for combining Komiya EP with Yializis et al. ‘893 and Shaw et al. ‘461.

The June 2005 Office Action also says (at page 11) that Komiya EP “teaches that such gas barriers may be improved by a polymeric overcoat (page. 3, Summary)”. This is incorrect. Komiya EP does not say that its heat barrier layer will improve gas barrier properties. If anything, Komiya EP shows otherwise. Komiya EP Table 1 compares four samples of a control laminate made without Komiya EP’s heat barrier layer to two samples each of laminates (Examples 1 and 2) made with such a heat barrier layer. The control

samples exhibited slightly lower average oxygen permeability than the Example 2 laminate (*viz.*, 1.1 vs. 1.2) and slightly higher average oxygen permeability than the Example 1 laminate (*viz.*, 1.1 vs. 1.0). Discussing these results, Komiya EP says that “there is no decrease in the gas barrier properties”, see page 6, lines 46-50. A person having ordinary skill in the art who reviewed Komiya EP would not have any proper basis for assuming Komiya EP’s heat barrier layer would improve gas barrier properties and in fact based on Komiya EP’s own statements and data would conclude that the gas barrier properties would be unchanged.

Applicant’s rejected claims 10-19 recite a step of “applying a protective layer to the oxygen barrier material to reduce the barrier sheet oxygen permeability” (see also page 21, line 23 through page 23, line 29). Whether taken alone or in combination, none of Yializis et al. ‘893, Shaw et al. ‘461 or Komiya EP show or suggest that application of a protective layer to an oxygen barrier layer will reduce oxygen permeability.

Komiya EP involves a considerably different process than the process employed in Yializis et al. ‘893 and Shaw et al. ‘461, proposes a solution that would be counterproductive if used in the Yializis et al. ‘893 or Shaw et al. ‘461 processes, and does not teach the gas barrier improvement asserted in the June 2005 Office Action. Komiya EP would not be combined with Yializis et al. ‘893 or Shaw et al. ‘461 by a person having ordinary skill in the art as proposed in the Final Rejection. Applicants accordingly request withdrawal of the 35 U.S.C. §103(a) rejection of claims 10-19 being unpatentable over Yializis et al. ‘893 or Shaw et al. ‘461 in view of Komiya EP.

Rejection of Claim 20 Under 35 U.S.C. §103(a)

Claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yializis et al. ‘893 or Shaw et al. ‘461 in view of Komiya EP, or over Affinito as applied to claims 10-19 above, and further in view of U.S. Patent No. 4,468,412 (Fujii et al.) or U.S. Patent No. 5,403,626 (Kim et al.), especially in view of U.S. Patent No. 5,108,780 (Pitt et al.), on the grounds set forth in section 18 of the June 2005 Office Action, and on the further grounds that:

“Applicant’s arguments filed 10/3/2005 discussed above have been fully considered but they are not persuasive.” (see the Final Rejection at page 7).

Reconsideration is requested. Affinito is not an available reference for the reasons discussed above. For reasons also discussed above, Yializis et al. ‘893, Shaw et al. ‘461 and secondary reference Komiya EP should not be combined as proposed in the Final Rejection. The tertiary Fujii et al., Kim et al. and Pitt et al. references are not properly combinable with Yializis et al. ‘893, Shaw et al. ‘461 and Komiya EP and do not suggest the method of claim 20.

Fujii et al. describe several treatments that may be used on a polyolefin molding composition to improve the scratch resistance, hardness and peel strength of a subsequently-applied light- or radiation-curable resin composition. Fujii et al. say they use “treatment with halogenated hydrocarbon solvent, low temperature plasma treatment, corona discharge treatment, flame treatment, and alkali degreasing treatment” (see e.g., col. 2, lines 20-24). The June 2005 Office Action says that “Fujii et al shows the equivalent usage of corona and reactive plasma treatment” (see the Office Action at page 13). Applicants observed otherwise:

“The plasma treatment is clearly distinct from corona treatment in air. The effects of plasma treatment can be observed on polypropylene that has already been corona treated.” (see e.g., page 18, lines 15-16)

The June 2005 Office Action also asserts (emphasis added):

*“Note that as the process steps of the primary references are done in vacuum and the plasma pretreatment of Fujii et al is in vacuum, one of ordinary skill in the art would have done the entire sequence under those conditions as the requirements of the process fairly suggest such as a matter of practicality, since it would make no sense to be in vacuum, let up to air, then pump back down to vacuum, **which is known to provide possible contamination source and is wasteful.**”* (see the Office Action at page 13).

No support has been provided for at least the boldface statements shown above. Fujii et al. does not provide it.

Amended claim 20 recites “plasma treating the smoothing layer before applying the transparent oxide oxygen barrier material”. No such step is shown or suggested in Fujii et al.

Kim et al. shows a process for preparing a hydrophilic polymer film. The film is pretreated using a high frequency treatment such as a corona generator (see e.g., col. 4, lines 1-17). The June 2005 Office Action asserts:

"the applied HF discharge of Kim et al is inclusive of both low pressure (vacuum) and atmospheric plasma, with the corona discharge type being noted to be preferred for Kim et al's usage, which involves coating in air. Kim et al again shows the obviousness as discussed above and is applied in analogous situations." (the Office Action at page 13).

Kim et al. say nothing regarding treatments in vacuum or using reactive plasma. Kim et al.'s preference for corona discharge treatment would lead a person having ordinary skill in the art away from rather than towards reactive plasma treatment. Also, Kim et al. nowhere show or suggest a step of plasma treating a smoothing layer before applying a transparent oxygen barrier material.

Pitt et al. describe an apparatus for treating fibers (e.g., of carbon, glass, organic polymeric fiber, inorganic polymeric fiber or natural fiber, see claim 12) with a molten thermoplastic polymer (see e.g., **Figure 2**, reproduced below).

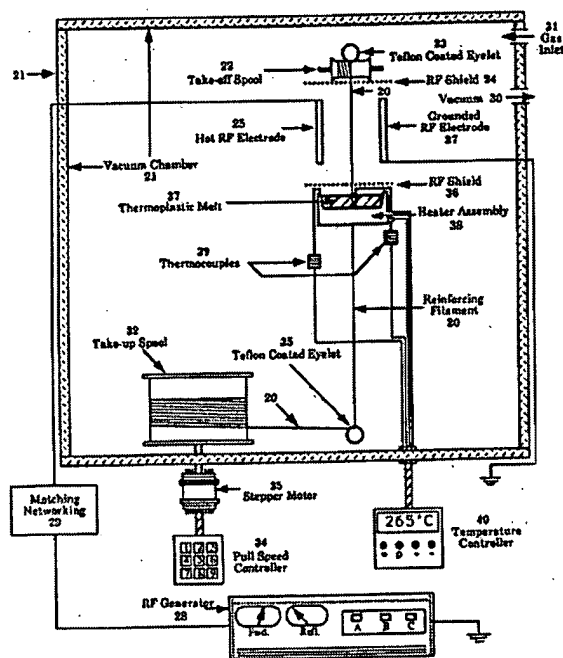


Figure 2

Pitt et al. involves fiber-filled composites. Pitt et al. has nothing to do with making barrier sheets, thermoplastic sheet substrates, applying acrylate smoothing layers, transparent oxides, applying oxygen barrier materials or applying protective layers. The June 2005 Office Action acknowledges at least some of the many differences between applicants' claimed method and Pitt et al.'s method (see page 14), but then asserts that a person having ordinary skill in the art:

"would recognize that the effect of the pretreatment is most relevant to its chemical effect on the bonds between polymeric substrate and coatings, not the phase of the coating material to be deposited, especially considering that after the vaporized monomer is condensed on the substrate, it too is liquid" (see page 14).

This is at best retrospective reasoning. It does not provide a proper basis for selecting Pitt et al. in the first instance or for combining Pitt et al. with the other cited references. Also, Pitt et al. nowhere show or suggest a step of plasma treating a smoothing layer before applying a transparent oxygen barrier material.

Applicants accordingly request withdrawal of the 35 U.S.C. §103(a) rejection of claim 20 as being unpatentable over Yializis et al. '893 or Shaw et al. '461 in view of Komiya EP, or over Affinito as applied to claims 10-19 above, and further in view of Fujii et al. or Kim et al. and especially in view of Pitt et al.

Conclusion

Applicants have made an earnest effort to address the issues raised in the Final Rejection. The 35 U.S.C. rejections have been dealt with. The specification and claims fully enable the claimed method and do not contain new matter. Affinito is unavailable as a reference. Yializis et al. '893, Shaw et al. '461 and secondary reference Komiya EP should not be combined as proposed in the Final Rejection and do not show or suggest the method of claims 10-19. The tertiary Fujii et al., Kim et al. and Pitt et al. references are not properly combinable with Yializis et al. '893, Shaw et al. '461 and Komiya EP and do not suggest the method of claim 20.

If there are any questions concerning the claims or this amendment, the Examiner is encouraged to telephone the undersigned attorney at 612-331-7412.

Respectfully submitted on behalf of 3M Innovative
Properties Company,



David R. Cleveland
Registration No: 29,524
612-331-7412 (telephone)
612-331-7401 (facsimile)

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IPLM Group, P.A.
P.O. Box 18455
Minneapolis, MN 55418

All correspondence regarding this application should continue to be directed to:

**Pamela L. Stewart
Office of Intellectual Property Counsel
3M Innovative Properties Company
P.O. Box 33427
St. Paul, Minnesota 55133-3427
Telephone: (651) 736-
Facsimile: (651) 736-3833**